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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 Oakland Division

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20 “Amy,” et. al.,

21 Plaintiffs,  
22 v.  
23 RANDALL STEVEN CURTIS  
24 Defendant.

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28 Case No: 3:19-CV-02184PJH  
PLAINTIFFS’ REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF THEIR  
MOTION FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:  
Date: February 17, 2021  
Time: 9:00 a.m.  
Judge: Honorable Phyllis J. Hamilton  
Chief United States District Court Judge

1

2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Plaintiffs request this Court to take judicial notice, pursuant to  
4 Federal Rule of Evidence 201, of the documents listed below and attached to the Declaration of Carol  
5 L. Hepburn (“Hepburn Decl.”) in support of Plaintiff’s Motion for Judicial Notice. Specifically,  
6 Plaintiffs request that the Court take judicial notice of the following documents:

7

8 **Exhibit 1:** is a true and correct copy of the July 13, 2017 Plea Agreement filed at ECF 34 in  
9 *United States v. Randall Steven Curtis*, United States District Court, Northern District of California,  
10 San Francisco Division, No. 3:16-CR-00510-SI (Hepburn Decl. ¶3, Ex. 1);

11

12 **Exhibit 2:** is a true and correct copy of Defendant Curtis’ statements under oath before Judge  
13 Ilston on July 13, 2017, in *United States v. Randall Steven Curtis*, United States District Court,  
14 Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI. (Hepburn Decl. ¶4,  
15 Ex. 2).

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17 **Exhibit 3:** is a true and correct copy of the September 18, 2018 Amended Judgment and  
18 Appended Restitution List, setting forth the victims who were awarded restitution, filed at ECF 114 in  
19 *United States v. Randall Steven Curtis*, United States District Court, Northern District of California,  
20 San Francisco Division, No. 3:16-CR-00510-SI (Hepburn Decl. ¶5, Ex. 3)

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **INTRODUCTION**

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24 Plaintiffs respectfully request that this Court take judicial notice of three documents listed  
25 above and filed in the criminal case, *United States v. Randall Steven Curtis*, United States District  
26 Court, Northern District of California, San Francisco Division, No. 3:16-CR-00510-SI.

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-- PLAINTIFF’S REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY  
JUDGMENT- 2

1 **ARGUMENT**

2 In considering a motion a court may consider any matters subject to judicial notice. A matter is  
3 subject to judicial notice when it is “not reasonably subject to dispute” because it either “(1) is  
4 generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily  
5 determined from sources whose accuracy cannot reasonably be questioned” Fed. R. Evid. 201(b). A  
6 court “must take judicial notice if a party requests it and the court is supplied with the necessary  
7 information.” Fed. R. Evid. 201(c)(2).

8  
9 Judicial notice may be taken of “undisputed matters of public record: and “documents on file in  
10 federal or state courts” in order to determine “what issues were actually litigated” before the court.  
11  
12 *Harris v. County of Orange*, 682 F.3d 1126, 1132 (9<sup>th</sup> Cir. 2012) (citing *Bennett v. Medtronic, Inc.*,  
13 285 F.3d 801, 803 n.2 (9<sup>th</sup> Cir. 2002)).

14 All the documents of which Plaintiffs request notice here are of public record in this court’s  
15 criminal case docket. All are relevant to Plaintiffs’ claims herein as they establish Defendant’s  
16 conviction of a predicate offense under 18 U.S.C. §2255, his admission of injury to his victims by his  
17 offense, the court’s finding of losses suffered by Plaintiffs herein caused by the Defendant’s offense,  
18 and the entry by the court of the order of Restitution.

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## CONCLUSION

For the foregoing reasons, Plaintiffs' respectfully request that the Court grant their Request for Judicial Notice in support of their Motion for Summary Judgment.

Dated this 19<sup>th</sup> January, 2021.

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-- SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT- 5